

1 By

Perner

A B. No.

372

2
3
4
5 A BILL TO BE ENTITLED

6
7 AN ACT

8
9 relating to approval by the commissioners courts in Zavala,
10 Uvalde, Frio, and Dimmit counties of the rules and regulations
11 promulgated by the Parks and Wildlife Commission regarding game
12 and fish; amending Subsection b, Section 13, Chapter 730, Acts
13 of the 60th Legislature, Regular Session, 1967, as amended
14 (Article 978j-1, Vernon's Texas Penal Code); and declaring an
15 emergency.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

18
19 Section 1. Subsection b, Section 13, Chapter 730, Acts of
20 the 60th Legislature, Regular Session, 1967, as last amended by
21 Section 2, Chapter 369, Acts of the 61st Legislature, Regular
22 Session, 1969 (Article 978j-1, Vernon's Texas Penal Code), is
23 amended to read as follows:

24 "b. In Bandera, Coke, Crockett, Dimmit, Edwards, Frio,
25 Hays, Kerr, Kimble, Kinney, Lampasas, Medina, Menard, Reagan,
26 Real, San Saba, Schleicher, Sutton, Uvalde, Val Verde, and
27 Zavala Counties, and in Lamb County with regard to quail season
28 only, orders, rules and regulations adopted in accordance with
29 Section 8 of this Act shall not be effective as provided in Sec-
30 tion 9 unless and until they have been approved by the Commis-
31 sioners Court of each of such counties. The Commissioners Court
32 in each county named in this subsection shall approve or disap-
33 prove the Commission's rule, regulation or order or in Lampasas,
34 Dimmit, Frio, Uvalde, and Zavala any order or part of order, at
35 its next regular meeting occurring more than five (5) days after
36 adoption by the Commission. If approved, the rule, regulation
37 or order becomes effective at the time specified in the proclama-
38 tion by the Commission. If disapproved, for any of the above
39 named counties, no public hearing on a similar proposal for the
40 county may be held for a period of six (6) months unless a
41 majority of said Commissioners Court certifies to the Commission
42 that there has been some material change in the surrounding cir-
43 cumstances which necessitates the holding of a public hearing
44 within the six month period. If the Commissioners Court disap-
45 proves the rules, regulations or orders promulgated by the
46 Commission, then the taking of the wildlife resources of the
47 county is regulated by the general law until such time as the
48 Commissioners Court approves rules, regulations, or orders sub-
49 sequently promulgated by the Commission."

50 Sec. 2. The importance of this legislation and the
51 crowded condition of the calendars in both houses create an
52 emergency and an imperative public necessity that the Constitu-
53 tional Rule requiring bills to be read on three several days in
54 each house be suspended, and this Rule is hereby suspended, and
55 that this Act take effect and be in force from and after its
56 passage, and it is so enacted.

(For favorable reports on bills where committee amendments other than "committee substitutes" are recommended; and for resolutions where committee amendments, including complete substitutes, are recommended.)

COMMITTEE REPORT

Date

3/29/71

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on PARKS & WILDLIFE, to whom was referred H.B. No. 372, have had the same under consideration

and beg to report back with recommendation that it do pass, as amended, and be printed.

The Bill was reported from Committee by the following vote:

Unanimous voice vote

~~Majority voice vote~~

Vote of _____ ayes and _____ nays.

James H. Harding
Chairman.

(In the case of simple and concurrent resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced.)

The word "not" should be inserted before "printed" only in case of a local bill reported favorably with amendments and ordered not printed, which is customary for local bills.)

By: Poerner

H. B. No. 372

(In the House. --Filed February 3, 1971; February 4, 1971, read first time and referred to Committee on Parks and Wildlife: March 30, 1971, reported favorably, as amended, by unanimous voice vote, sent to Printer.)

A BILL TO BE ENTITLED

AN ACT

relating to approval by the commissioners courts in Zavala, Uvalde, Frio, and Dimmit counties of the rules and regulations promulgated by the Parks and Wildlife Commission regarding game and fish; amending Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as last amended by Section 2, Chapter 369, Acts of the 61st Legislature, Regular Session, 1969 (Article 978j-1, Vernon's Texas Penal Code), is amended to read as follows:

"b. In Bandera, Coke, Crockett, Dimmit, Edwards, Frio, Hays, Kerr, Kimble, Kinney, Lampasas, Medina, Menard, Reagan, Real, San Saba, Schleicher, Sutton, Uvalde, Val Verde, and Zavala Counties, and in Lamb County with regard to quail season only, orders, rules and regulations adopted in accordance with Section 8 of this Act shall not be effective as provided in Section 9 unless and until they have been approved by the Commissioners Court of each of such counties. The Commissioners Court in each county named in this subsection shall approve or disapprove the Commission's rule, regulation or order or in Lampasas, Dimmit, Frio, Uvalde, and Zavala any order or part of order, at its next regular meeting occurring more than five (5) days after adoption by the Commission. If approved, the rule, regulation or order becomes effective at the time specified in the proclamation by the Commission. If disapproved, for any of the above named counties, no public hearing on a similar proposal for the county may be held for a period of six (6) months unless a majority of said Commissioners Court certifies to the Commission that there has been some material change in the surrounding circumstances which necessitates the holding of a public hearing within the six month period. If the Commissioners Court disapproves the rules, regulations or orders promulgated by the Commission, then the taking of the wildlife resources of the county is regulated by the general law until such time as the Commissioners Court approves rules, regulations, or orders subsequently promulgated by the Commission."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

COMMITTEE AMENDMENT NO. 1

Amend H. B. No. 372 on line 38 by placing a comma instead of the period and add ", if the Commissioner's Court takes no action at its first meeting after 5 days it shall be presumed that the rule, regulation or order is approved."

Rayford Price

COMMITTEE REPORT

COMMITTEE ROOM

Austin, Texas, March 29, 1971

Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

SIR: We, your Committee on Parks and Wildlife, to whom was referred H. B. No. 372, have had the same under consideration and beg to report back with recommendation that it do pass, as amended, and be printed.

Forrest A. Harding, Chairman

BILL ANALYSIS

Background Information:

Zavala, Uvalde, Frio, and Dimmit counties wished to be included within the special coverage of Art. 978j-1, V. T. P. C.

What the Bill Proposes to Do:

Amends Art. 978j-1, V. T. P. C. to include Zavala, Uvalde, Frio, and Dimmit counties.

Section by Section Analysis:

Section 1: Amends Art. 978j-1, V. T. P. C. to include Zavala, Uvalde, Frio, and Dimmit counties. The Commissioners Courts in these counties shall approve or disapprove the Parks and Wildlife Commissions orders, rules, and regulations concerning the Uniform Wildlife Regulatory Act.

Sec. 2: Emergency Clause.

Summary of Committee Action:

Passed, as amended, by unanimous voice vote.

Re: H.B. 372 Amendment out of subcommittee:

Amend HB372 on line 38 by placing

~~At the asterisk~~ place a comma instead of the period
and add ", if the Commissioner's Court takes no action
at its first meeting after 5 days it shall be presumed
that the rule, regulation or order is approved."¹¹

Signed:

Rayford Keene

APR 23 1971

DATE

READ AND ADOPTED

Dorothy H. [Signature]
CHIEF CLERK
HOUSE OF REPRESENTATIVES

By: Poerner

H.B. No. 372

A BILL TO BE ENTITLED

AN ACT

relating to approval by the commissioners courts in Zavala, Uvalde, Frio, and Dimmit counties of the rules and regulations promulgated by the Parks and Wildlife Commission regarding game and fish; amending Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency. _____

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as last amended by Section 2, Chapter 369, Acts of the 61st Legislature, Regular Session, 1969 (Article 978j-1, Vernon's Texas Penal Code), is amended to read as follows: _____

"b. In Bandera, Coke, Crockett, Dimmit, Edwards, Frio, Hays, Kerr, Kimble, Kinney, Lampasas, Medina, Menard, Reagan, Real, San Saba, Schleicher, Sutton, Uvalde, Val Verde, and Zavala Counties, and in Lamb County with regard to quail season only, orders, rules and regulations adopted in accordance with Section 8 of this Act shall not be effective as provided in Section 9 unless and until they have been approved by the Commissioners Court of each of such counties. The Commissioners Court in each county named in this subsection shall approve or disapprove the Commission's rule, regulation or order or in Lampasas, Dimmit, Frio, Uvalde, and Zavala any order or part of order, at _____

its next regular meeting occurring more than five (5) days after adoption by the Commission. If approved, the rule, regulation or order becomes effective at the time specified in the proclamation by the Commission, if the Commissioners Court takes no action at its first meeting after five days it shall be presumed that the rule, regulation or order is approved. If disapproved, for any of the above named counties, no public hearing on a similar proposal for the county may be held for a period of six (6) months unless a majority of said Commissioners Court certifies to the Commission that there has been some material change in the surrounding circumstances which necessitates the holding of a public hearing within the six month period. If the Commissioners Court disapproves the rules, regulations or orders promulgated by the Commission, then the taking of the wildlife resources of the county is regulated by the general law until such time as the Commissioners Court approves rules, regulations, or orders subsequently promulgated by the Commission."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

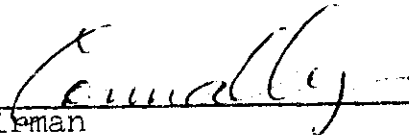
Austin, Texas

May 12, 1971

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on PARKS AND WILDLIFE,
to which was referred H. B. No. 372, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass as amended and be _____ printed.


Chairman

Bill Analysis

BACKGROUND INFORMATION:

Article 978j-1, VTPC, is the Uniform Wildlife Regulatory Act.

PURPOSE OF THE BILL:

Amends Art. 978j-1, VTPC to include Zavala, Uvalde, Frio, and Dimmit counties, so as to allow their Commissioners Courts to approve or disapprove the Parks and Wildlife Commission's regulations concerning the Uniform Wildlife Regulatory Act.

SECTION BY SECTION SUMMARY:


Section 1: Amends Art. 978j-1, VTPC to include Zavala, Uvalde, Frio, and Dimmit counties. The Commissioners Courts in these counties shall approve or disapprove the Parks and Wildlife Commissions order, rules, and regulations concerning the Uniform Wildlife Regulatory Act.

Section 2: Emergency Clause.

Amend caption to conform to body
of bill.

ADOPTED

MAY 13 1912


SECRETARY OF SENATE

#3

By Connelly

Committee Amendment No. 1

Amend. H.B. 372 by placing a comma after the word adoption on line 36, and inserting the following: "and notification to the respective counties"

ADOPTED

MAY 13 1971

Henry J. G. [Signature]
SECRETARY OF SENATE

#1

By: _____

FLOOR AMENDMENT FOR
H.B. 372

AMENDMENT NO. 1

Amend Section 1 of H.B. 372 by deleting all of the subsection (b) enclosed in quotes and substituting in lieu thereof the following:

"b. In Bandera, Coke, Crockett, Dimmit, Edwards, Frio, Hays, Kerr, Kimble, Kinney, Lampasas, Medina, Menard, Reagan, Real, San Saba, Schleicher, Sutton, Uvalde, Val Verde, and Zavala Counties, and in Lamb County with regard to quail season only, orders, rules and regulations adopted in accordance with Section 8 of this Act shall not be effective as provided in Section 9 unless and until they have been approved by the Commissioners Court of each of such counties. The Commissioners Court in each county named in this subsection shall approve or disapprove the Commission's rule, regulation or order or part of order, at its next regular meeting occurring more than five (5) days after adoption by the Commission and notification of the Counties cited herein. If approved, the rule, regulation or order becomes effective at the time specified in the proclamation by the Commission. If disapproved, for any of the above named counties, no public hearing on a similar proposal for the county may be held for a period of six (6) months unless a majority of said Commissioners Court certifies to the Commission that there has been some material change in the surrounding circumstances which necessitates the holding of a public hearing within the six month period. If the Commissioners Court disapproves the rules, regulations or orders, or parts of orders, promulgated by the Commission, then the taking of the wildlife resources of the county is regulated by rules of prior year until such time as the Commissioners Court approves rules, regulations, or orders subsequently promulgated by the Commission."

ADOPTED

MAY 18 1971

Charles G. Smith
SECRETARY OF SENATE

2

QAM
KPBH

AN ACT

relating to approval by the commissioners courts in Zavala, Uvalde, Frio, and Dimmit counties of the rules and regulations promulgated by the Parks and Wildlife Commission regarding game and fish; amending Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as last amended by Section 2, Chapter 369, Acts of the 61st Legislature, Regular Session, 1969 (Article 978j-1, Vernon's Texas Penal Code), is amended to read as follows:

"b. In Bandera, Coke, Crockett, Dimmit, Edwards, Frio, Hays, Kerr, Kimble, Kinney, Lampasas, Medina, Menard, Reagan, Real, San Saba, Schleicher, Sutton, Uvalde, Val Verde, and Zavala Counties, and in Lamb County with regard to quail season only, orders, rules and regulations adopted in accordance with Section 8 of this Act shall not be effective as provided in Section 9 unless and until they have been approved by the Commissioners Court of each of such counties. The Commissioners Court in each county named in this subsection shall approve or disapprove the Commission's rule, regulation or order or part of order, at its next regular meeting occurring more than five (5) days after adoption by the Commission and notification of the counties cited herein.

If approved, the rule, regulation or order becomes effective at the time specified in the proclamation by the Commission. If disapproved, for any of the above named counties, no public hearing on a similar proposal for the county may be held for a period of six (6) months unless a majority of said Commissioners Court certifies to the Commission that there has been some material change in the surrounding circumstances which necessitates the holding of a public hearing within the six month period. If the Commissioners Court disapproves the rules, regulations or orders, or parts of orders, promulgated by the Commission, then the taking of the wildlife resources of the county is regulated by rules of prior year until such time as the Commissioners Court approves rules, regulations, or orders subsequently promulgated by the Commission."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Lieutenant Governor
President of the Senate

Speaker of the House

H.B. No. 372

I hereby certify that H.B. No. 372 was passed by the House on April 23, 1971, by the following vote: Yeas 119, Nays 0; and that the House concurred in Senate amendments to H.B. No. 372 on May 17, 1971, by the following vote: Yeas 142, Nays 0 and 1 present not voting.

Chief Clerk of the House

I hereby certify that H.B. No. 372 was passed by the Senate, as amended, on May 13, 1971, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

5-24-71

Date

Signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:00 AM O'CLOCK

MAY 25 1971

Secretary of State

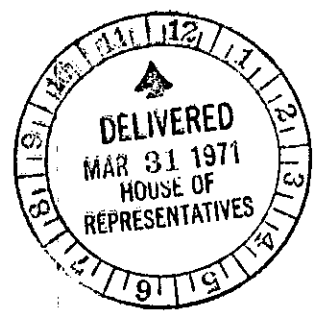
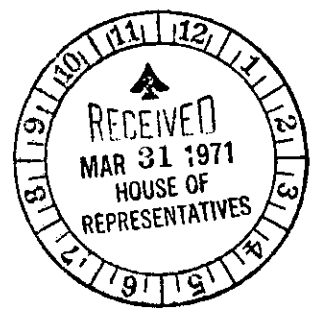
MAY 20 1971

A BILL TO BE ENTITLED
AN ACT

relating to approval by the commissioners courts in Zavala, Uvalde, Frio, and Dimmit counties of the rules and regulations promulgated by the Parks and Wildlife Commission regarding game and fish; amending Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

FILED FEB 3 1971
FEB 4 1971
READ 1ST TIME
AND REFERRED TO COMMITTEE ON
Parks & Wildlife
Dorothy Hallman
Chief Clerk, House of Representatives

MAR 30 1971 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER



APR 23 1971 7:42# 372
Motion to suspend all necessary rules to consider, prevailed by non record vote.

Dorothy Hallman
Chief Clerk, House of Representatives

APR 23 1971
READ SECOND
TIME Amended AND
ORDERED non-record ENGROSSED yes

Dorothy Hallman
Chief Clerk, House of Representatives

APR 23 1971
Read third time
and Passed
by following vote: yeas 119
Nays 0
Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
RULES 11:30 A.M. MAR 31 1971
(Time) (Date)

APR 23 1971
MOTION TO RECONSIDER THE VOTE BY WHICH H.B. No. 372 WAS
~~ADOPTED~~ PASSED AND TO TABLE THE MOTION TO RECONSIDER PREVAILED ~~PASSED~~ BY A non-record VOTE yes
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 23 1971 SENT TO ENGROSSING CLERK

APR 26 1971 Received from the House
APR 26 1971 Read, referred to Committee on Parks and Wildlife
MAY 12 1971 Reported favorably, as amended
Reported adversely, with favorable Committee Substitute; Committee Substitute
read first time.
Ordered not printed.
Regular order of business suspended by
(unanimous consent.
(years, days.
To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of years, days.
MAY 13 1971 Read second time amended and passed to third reading.
MAY 13 1971 Caption ordered amended to conform to body of bill.
MAY 13 1971 Senate and Constitutional 3-Day Rules suspended by vote of
31 years, 0 days to place bill on third reading and final passage.
MAY 13 1971 Read third time and passed by (a viva voce vote)
31 years, 0 days.

* OTHER ACTION:

MAY 13 1971 Vote by which
finally passed and
reconsidered

MAY 13 1971
Amended and finally
passed by a vote of
31 yeas, 0 nays
Returned to HOUSE

Secretary of the Senate

RETURNED FROM SENATE

MAY 13 1971

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 13 1971

SENT TO PRINTER

MAY 17 1971

The House has concurred in Senate amendments
to House Bill No. 372 by vote of 142 yeas,
0 nays. 1 present not voting

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 17 1971

MOTION TO RECONSIDER THE VOTE BY
WHICH House concurred in Senate amendments to HB 372
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED PASSED BY A unanimous VOTE OF
AYES AND NAYES
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 17 1971

SENT TO ENROLLING CLERK

By: Poerner

H.B. No. 372

A BILL TO BE ENTITLED

AN ACT

relating to approval by the commissioners courts in Zavala, Uvalde, Frio, and Dimmit counties of the rules and regulations promulgated by the Parks and Wildlife Commission regarding game and fish; amending Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

2- 3-71 Filed.

2- 4-71 Read first time and referred to Committee on Parks and Wildlife.

3-30-71 Reported favorably as amended, sent to printer.

3-31-71 Printed, distributed and referred to Committee on Rules at 11:30 a.m.

4-23-71 Motion to suspend all necessary rules to consider prevailed by a non-record vote.

4-23-71 Read second time, amended and ordered engrossed by a non-record vote.

4-23-71 Read third time and passed by the following vote:
Yeas 119, Nays 0.

Dorothy Hallman
Chief Clerk, H. of R.

4-23-71 Sent to Engrossing Clerk.

4-23-71 Engrossed.

Cora Suppin
Engrossing Clerk, H. of R.

APR 26 1971 RETURNED FROM ENGROSSING CLERK SENT TO SENATE.

